

REMARKS

This responds to the Final Office Action dated February 19, 2009.

No claims are amended, claims 32-40 are canceled, and no new claims are added; as a result, claims 1-31 and 41 are now pending in this application.

§ 103 Rejection of the Claims

Claims 1-16, 18-31 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over McKissick et al. (U.S. Patent Application Publication No. 2007/0124795, hereinafter referred to as the McKissick reference) in view of Goodman et al. (U.S. Patent No. 6,427,238, hereinafter referred to as the Goodman reference) further in view of Fristoe et al. (U.S. Patent No. 7,178,161, hereinafter referred to as the Fristoe reference) further in view of Danker et al. (U.S. Patent Application Publication No. 2003/0208777, hereinafter referred to as the Danker reference).

Claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over McKissick et al. (U.S. Patent Application Publication No. 2007/0124795, hereinafter referred to as the McKissick reference) in view of Goodman et al. (U.S. Patent No. 6,427,238, hereinafter referred to as the Goodman reference) further in view of Danker et al. (U.S. Patent Application Publication No. 2003/0208777, hereinafter referred to as the Danker reference) further in view of Angel et al. (U.S. Patent Application Publication No. 2004/0025192, hereinafter referred to as the Angel reference). (Note, Applicants assume the examiner meant to include the Fristoe reference in the rejection of claim 17 as per the second paragraph in section 4 of the office action instead of as stated in the first paragraph of section 4.)

The Applicants respectfully traverse. The Applicants submit that the motivation for combining the various cited reference does not exist since the various considerations for the design choices made in the cited references do not exist in the television environment of the present disclosure. Furthermore, even if one were to combine the various cited references, the combined system would not anticipate the claimed invention.

Before directly addressing the examiners rejections, a brief review of the present disclosure is desirable. Example embodiments of the system disclosed in the present application provide an interactive television receiver system with unique multi-media features. In particular, the interactive television receiver system of the present disclosure allows television content (such as a television show) to be transmitted to interactive television receiver systems concurrently along with interactive content. Specifically, the interactive content comprises authoring data (that is associated with the television content) and an authoring application. The authoring application allows a user to create new content using the authoring data that is associated with the television content.

Using an example presented in paragraph [0059] of the published patent application, a Disney cartoon may be the television content and the associated authoring data may comprise images of the cartoon graphics relevant to the characters in the cartoon television content. The cartoon television content and the cartoon authoring data may be 'associated' in many different manners. For example, paragraph [0059] of the published patent application specifies that the television content and the authoring data may be associated using timecodes or content identifiers. Before broadcast, a multiplexer multiplexes together the television content, the associated authoring data, and the authoring application that uses the authoring data into a single stream. Specifically, **Figure 3** of the present application illustrates an exemplary multiplexed data stream 68 containing content modules 76 (carrying television content), data modules 74 (carrying the related authoring data 78), and code modules 72 (carrying the authoring application 98. This proximate multiplexing together of the television content (in content modules 76), the related authoring data (in data modules 74), and the authoring application 72 allows the authoring application and the associated authoring data to become available around the same that the related television content is displayed to the viewer. Thus, a viewer watching the television content may access the associated authoring content (along with the needed authoring application) around the same time as viewing the television content.

The Examiner has failed cite any reference that discloses “multiplexing together said television content, said authoring data, and said authoring application proximate in time”. Instead, the Examiner has cited multiple references that disclose vaguely related material. For the multiplexing together television content and related authoring data, the Examiner has cited the McKissick reference and its incorporated by reference DeWeese reference as disclosing the transmission of the television program jeopardy (the television content) and related data comprising questions (the authoring data) in play at home game (the ‘authoring application’ apparently).

receiving authoring data, said authoring data comprising media information related to the television content (Figure 11 and paragraph [0109] disclose a authoring data related to a program, i.e. Jeopardy. Moreover, McKissick incorporates application 09/356,270 in its entirety; where application 10/918,753 by DeWeese et al. is a continuation of such incorporated reference; hereinafter referenced as DeWeese. DeWeese discloses in paragraph [0093] also exhibited on fig 9; a real time communication displayed by the set top box application where a program 202 and a chat 204 related to the program are received and displayed simultaneously);.

Such jeopardy questions are not ‘authoring data’ as would be reasonably interpreted. More specifically, such alleged authoring data fails to “enable the user to create new authored content, said new authored content including the authoring data associated with the television content as selected by said user”. There is no new content created by the user that uses such jeopardy questions.

The Examiner next cites a completely different authoring application from the McKissick reference. Specifically, the examiner contends that the message system from paragraphs [0123] and [0124] equates to the authoring application related to the television content.

an authoring application (Paragraphs [0123] [0124] also exhibited on figure 17; the user can use a messaging application in order to create messages related to a television program, i.e. television application);

There is no authoring content related to specific television content in this example since the alleged related content, the “Nice play” message, is user generated. Furthermore, the messaging program is not send along with the authoring content (the program guide information).

To further complicate matters, the examiner cited a third different alleged authoring application and authoring content from the McKissick reference. Specifically, in attempts to

show that a user can create newly authored content, the examiner refers to a program guide application [0064].

enable the user to create new authored content, said new authored content including the authoring data associated with the television content as selected by said user (Each set top box 26 implements an interactive television program guide application, which allows the user to send messages, where the program guide is an authoring application; paragraph [0064]; moreover, DeWeese discloses that the television facility distributes the program guide the set top boxes; paragraph [0060]).

With this example, there is no specific authoring content related to a specific television program. The authoring content (the television guide) is related to all of the television content. Furthermore, the authoring content is not sent along with a specific television content since it is not related to any specific television content.

The Examiner then refers to another reference to bring in yet another example of an authoring application. Specifically, the Examiner has added the Fristoe reference to teach sending content and an authoring application proximate in time:

However it is noted that McKissick and Goodman fail to explicitly disclose receiving an application from a second source system at a distribution system, and sending content and the application proximate in time from the distribution system.

Nevertheless, in a similar field of endeavor Fristoe discloses receiving an application from a second source system at a distribution system (Col. 6 lines 4 - 5 fig 1)

sending content and the application proximate in time from the distribution system (Col. 6 lines 4-15, col. 7 lines 27 - 29 also exhibited on figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Goodman by specifically providing the elements mentioned above, as taught by Fristoe, for the purpose of allowing the user to be able to receive applications on the fly, which may be required in order to access data requested by the user.

With this example, there is no authoring application or authoring content at all! Instead, a video player application is sent along before video content. The motivation for this is in the Fristoe reference, is to send a specific video player application for the specific environment at the destination at the time video will be played. This is a completely different motivation than the lack of memory motivation of the present invention. .

The Examiner then refers to another reference to bring in an example of Danker authoring data with television content. Specifically, the Examiner has added the Fristoe reference to teach sending content and an authoring application proximate in time:

However it is noted that McKissick, Goodman and Fristoe fail to explicitly disclose multiplexing together said television content and said authoring data into a multiplexed signal; and communicating said multiplexed signal from said headend system to the receiver system such that said receiver system receives said television content and authoring data.

Nevertheless, in a similar field of endeavor Danker discloses multiplexing together said television content and said authoring data into a multiplexed signal and, communicating said multiplexed signal from said headend system to the receiver Page 6 system such that said receiver system receives said television content and authoring data (Paragraph [0014] also exhibited on figure 1 and 2).

With this example, there no authoring application transmitted all. And the authoring data is not at all related to the television content.

With the Examiner's rejection, the Examiner has cited unrelated bits and pieces from various different references. The references each have their own particular design considerations and none of them disclosed the presently claimed system. Furthermore, there is no motivation to combined them in the manner as specified by the Examiner since the systems have conflicting design goals. With current rejection, it is if the applicant claimed a novel electronic circuit and the Examiner rejected the claims to novel circuit since the circuit is comprised of resistors, capacitors, and transistors which are all well-known in the prior art.

The presently claimed system addresses a specific environment an spccific desired goal. In the present disclosure, a new interactive application with authoring content related to current television content was desired for an interactive television receiver with limit memory. To have a new fresh interactive application available in the limited memory television receiver at the time of the television content, the interactive application had to be sent at the same time as the television content. Similarly, to have the authoring content related to the television content be available, the authoring content also had to be transmitted at the same time as the television content. Thus, system of the present invention claims a system that requires three different typcs of data (the television content, the authoring data related to the television content, and the authoring application used to manipulate the authoring content) to be multiplexed together such

that the three types of data arrive at the television receiver around the same time. None of the cited references cited all three types of data multiplexed together such that they arrive at the same time. Furthermore, there was no motivation to combine the references in such a manner since none of the cited references conceived of the novel feature.

This proximate multiplexing of the three items makes it so that the “receiver system receives said television content, authoring data, and authoring application proximate in time.” Such a system will be intuitive for users since the authoring application and the specific authoring data that is related to the current television content will be immediately available to the user after viewing the television content. Furthermore, such a system allows for very efficient memory usage within the television receiver system. Specifically, the television receiver system will decode and store the authoring application and the authoring data in memory only at the appropriate time, when the related television content is being broadcast to the viewer. If a user switches channels or a particular television program ends, the system may begin decoding and storing a new authoring application and new authoring content related to the television content on the new television channel.

Since the cited references do not teach nor suggest having authoring data that is “related to the television content” and wherein the authoring data, an associated authoring application, and the related television content be proximately multiplexed, as required by the amended independent claims, the claimed invention is patentable over the cited references.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 1, 2009.

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